

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK

Hearing Date: 03/30/10
Hearing Time: 10:00 a.m.

In re: _____ x

MEYER EHRMAN

Chapter 11
Case No. 09-23212-rdd

Debtor.

x

MARINA DISTRICT DEVELOP-
MENT CO. LLC T/A BORGATA

Plaintiff,

V.
MEYER EHRMAN

Adversary Proc. No. 09-08308-rdd

Defendant. x

**AFFIRMATION OF M. RICHARD SCHEER, ESQ. IN SUPPORT OF MOTION TO
COMPEL DEFENDANT TO PROVIDE NOTARIZED ANSWERS TO
INTERROGATORIES AND SUPPLEMENTAL INTERROGATORIES**

M. RICHARD SCHEER, a member of the law firm of Craner, Satkin, Scheer & Schwartz, P.C., attorneys for Marina District Development Co LLC T/A Borgata, affirm the following under penalty of perjury:

1. In accordance with Bankruptcy Rule 7033, Interrogatories were served upon the attorney for the defendant on or about December 2, 2009, and Supplemental Interrogatories were served upon the attorney for defendant on December 14, 2009. A copy of the Interrogatories and Supplemental Interrogatories are annexed hereto as **Exhibit A**.

2. On January 15, 2010, I wrote to Mark Frankel, Esq., attorney for defendant, regarding the outstanding answers, a copy of which letter is annexed hereto as **Exhibit B**. I have not received any response to the Interrogatories, Supplemental Interrogatories or my letter.

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MARINA DISTRICT DEVELOP-
MENT CO. LLC T/A BORGATA

Plaintiff,

V.

Adversary Proc. No. 09-08308-rrd

MEYER EHRMAN

Defendant.

INTERROGATORIES

Plaintiff, MARINA DISTRICT DEVELOPMENT CO LLC T/A BORGATA, requests that defendant, MEYER C. ERHMAN, answer the following interrogatories under oath within the time prescribed by the Rules of Court:

1. Set forth the names and addresses of all persons having knowledge relative to the matter in suit and indicate the knowledge to which each specifically is privy.

2. Set forth the names and addresses of all experts consulted whether or not to be called as witnesses. Include a copy of any expert's curriculum vitae and any report, if written. If oral, set forth in detail a summary of the report.

3. Provide copies of statements of all bank accounts, brokerage accounts, mutual funds, securities accounts on which defendant, or anyone who would act on the request of the defendant, had an interest as of November 1, 2007 through January 15, 2008.

4. Set forth with specificity the facts that defendant relies upon in denial of:
- (a) No. 10 of the Complaint, and provide all documentation or evidence to support the allegations in Paragraph 3 of defendant's Answer;
- (b) No. 11 of the Complaint, and provide all documentation or evidence to support the allegations in Paragraph 3 of defendant's Answer;
5. Set forth in complete detail and with exactitude the names and addresses of all person who have knowledge of and the facts that support:
- First Affirmative Defense.
6. Provide herewith copies of all documents upon which defendant relies in defense of the Complaint, whether or not such documents are to be used in evidence.

DATED: December 2, 2009

M. RICHARD SCHEER, ESQ. (MS-7015)
CRANER, SATKIN, SCHEER & SCHWARTZ,
P.C.
Attorneys for Plaintiff
60 East 42nd Street, 47th Floor, NY, NY 10165
320 Park Ave., POB 367, Scotch Plains, NJ 07076
(212) 938-2337/(908) 322-2333

TO: MARK FRANKEL, ESQ.
BACKENROTH FRANKEL & KRINSKY, LLP
489 Fifth Avenue
New York, NY 10017
(212) 593-1100
Attorneys for Defendant

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK

In re:

MEYER EHRMAN

Chapter 11

Case No. 09-23212-rrd

Debtor.

MARINA DISTRICT DEVELOP-
MENT CO. LLC T/A BORGATA

Plaintiff,

V.

Adversary Proc. No. 09-08308-rrd

MEYER EHRMAN

Defendant.

SUPPLEMENTAL INTERROGATORIES

Plaintiff, MARINA DISTRICT DEVELOPMENT CO LLC T/A BORGATA, requests that defendant, MEYER C. ERHMAN, answer the following interrogatories under oath within the time prescribed by the Rules of Court:

1. Set forth in detail, indicating the name of the creditor, the address of the creditor and the manner of liability by the defendant of any and all obligations owing by the defendant, whether as a personal obligation of the defendant or as a guarantor, as of October 1, 2007 through February 1, 2008, including the amount of obligation owing on the first of the month for each of the months due each of the creditors.

2. Attach hereto copies of any and all business records regarding the income received from such business in which the defendant has or had any interest from October 1, 2007 through February 1, 2008.

3. Attach hereto copies of all state and federal tax returns for the defendant, including all attachments and W2 or 1099 forms for the defendant and any corporation which he held an interest for which he filed a tax return for the years 2006, 2007 and 2008.

4. Attach hereto a copy of any and all discovery and the response thereto as propounded by the defendant in any adversary proceeding pending in the Bankruptcy Court within which the defendant is a party.

5. Attach hereto a copy of any and all discovery and the response thereto as propounded to the defendant in any adversary proceeding pending in the Bankruptcy Court within which the defendant is a party.

DATED: December 14, 2009

M. RICHARD SCHEER, ESQ. (MS-7015)
CRANER, SATKIN, SCHEER & SCHWARTZ,
P.C.
Attorneys for Plaintiff
60 East 42nd Street, 47th Floor, NY, NY 10165
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TO: MARK FRANKEL, ESQ.
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REPLY TO SCOTCH PLAINS

January 15, 2010

Mark A. Frankel, Esq.
Backenroth Frankel & Krinsky, LLP
489 Fifth Avenue
New York, NY 10017

Re: Marina District Development Co LLC T/A Borgata
v. Meyer Ehrman
Adversary Proceeding No. 09-08308-rdd
MRS File No. 0028-0278-870

Dear Mr. Frankel:

Answers to Interrogatories propounded in this matter are past due. If fully responsive answers are not provided within 10 days, I shall apply to the Court for appropriate relief.

Very truly yours,

CRANER, SATKIN, SCHEER
& SCHWARTZ, P.C.

BY:
M. RICHARD SCHEER

MRS/vz
Enclosures
Certified Mail-RRR

EXHIBIT B

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